***THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

–

W.P.No.25655 of 2005

% 27-12-2005

Between:

Smt.Sofina.M W/o.Anthony & others

…Petitioners

And

$ State Bank of India, rep. by its Asst.General Manager,

Secunderabad Circle & another.

…Respondents

! COUNSEL FOR PETITIONERS: Mr.K.VENKATA SIVA PRASAD
^ COUNSEL FOR RESPONDENTS: NONE APPEARED

< Gist:

> Head Note:

? CITATIONS:

1994 (4) SCC 138

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.25655 OF 2005

Dated 27th December 2005

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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O R D E R:

The first petitioner is the wife and second petitioner is the son of late Anthony. He had initially served the Armed Forces, and thereafter, was employed as Armed Guard, in the State Bank of India. He died on 24.1.2002, while in service. The first petitioner made an application to the respondents on 30.7.2002, with a request to appoint the second petitioner on compassionate grounds. The respondents addressed a letter, dated 21.8.2004, stating that the family of the petitioner cannot be said to be in penurious condition, and in view of the judgment of the Supreme Court on the subject, it is not possible to accede to the request of the petitioner. The letter dated 21.8.2004 is challenged in this writ petition.

Heard the learned counsel for the petitioners and learned Standing Counsel for the

respondents.

The scheme of providing appointment on compassionate grounds to the dependants of an employee, who died while in service, was framed and implemented in Government and Semi-Government Organisations. The object of the scheme was to ensure that the sudden death of an employee does not leave his family in distress, and it is rescued from penury. Over the years, the scheme has assumed such a proportion that the death of every employee while in service has resulted in submission of claim for compassionate appointment, irrespective of the condition of the family. Instances are not lacking, when the employees while in service have retired on medical grounds, with the sole object of paving the way for compassionate appointment of their dependants. If at all any thing, these developments indicate the sense of social insecurity, particularly in the light of unemployment of a very high magnitude.

Whatever be the justification for such claims, the appointment on compassionate grounds remained the only source of recruitment in the various Organisations, in the context of rationalization and reduction of man power. Slowly, a semblance of succession of offices, has stepped in.

A phenomenon, which used to be viewed with utmost sympathy, naturally called for a practical approach. With the dawning and increase of frustration in the unemployed, a closer scrutiny of cases for appointment on compassionate grounds became imperative. It is in this context that the Supreme Court in its decision in ***SHRI UMESH KUMAR NAGPAL V. STATE OF HARYANA,*** took the view that such appointments cannot be claimed or made, as a matter of course, and that it is only in case where the family is found to be in penury, without any other income, that the benefit under the scheme can be extended. In the recent past, the Supreme Court held that the amount of pension and other benefits received by the family, is a factor to be taken into account. This Court followed the same in number of cases, and upheld the stand taken by the employers in rejecting the claims for compassionate appointment, where the families were found not to be in penurious condition.

In the instant case, even according to the petitioners, they are receiving family pension, and that the other amounts, which became payable on the death of late Anthony, were kept in a deposit, with the object of paying the instalments from out of the accrued interest. This Court does not find any basis to interfere with the same.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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(**L.NARASIMHA REDDY, J)**

Dt.27th December 2005

Note: L.R.Copies be marked.

(B/o)

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